

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

Chapter 11

RTI HOLDING COMPANY, LLC, et
al.¹

Case No. 20-12456 (JTD)

Debtors.

(Jointly Administered)

Ref. Docket Nos. 689, 725

RUBY TUESDAY, INC.,

Plaintiff.

Ad. Proc. No. Case No. 20-51045 (JTD)

VS.

EVERGREEN DEVELOPMENT
COMPANY, L.L.C.,

Defendant.

AFFIDAVIT OF SERVICE

STATE OF CONNECTICUT)

) SS.:

COUNTY OF MIDDLESEX)

ANGHARAD BOWDLER, being duly sworn, deposes and says:

¹ The Debtors in these chapter 11 cases and the last four digits of each Debtor's U.S. tax identification number are as follows: RTI Holding Company, LLC (4966); Ruby Tuesday, Inc. (5239); Ruby Tuesday, LLC (1391); RTBD, LLC (6505); RT of Carroll County, LLC (8836); RT Denver Franchise, L.P. (2621); RT Detroit Franchise, LLC (8738); RT Distributing, LLC (6096); RT Finance, LLC (7242); RT FL Gift Cards, Inc. (2189); RT Florida Equity, LLC (7159); RT Franchise Acquisition, LLC (1438); RT of Fruitland, Inc. (1103); RT Indianapolis Franchise, LLC (6016); RT Jonesboro Club (2726); RT KCMO Franchise, LLC (7020); RT Kentucky Restaurant Holdings, LLC (7435); RT Las Vegas Franchise, LLC (4969); RT Long Island Franchise, LLC (4072); RT of Maryland, LLC (7395); RT Michiana Franchise, LLC (8739); RT Michigan Franchise, LLC (8760); RT Minneapolis Franchise, LLC (2746); RT Minneapolis Holdings, LLC (7189); RT New England Franchise, LLC (4970); RT New Hampshire Restaurant Holdings, LLC (7438); RT New York Franchise, LLC (1154); RT Omaha Franchise, LLC (7442); RT Omaha Holdings, LLC (8647); RT One Percent Holdings, LLC (6689); RT One Percent Holdings II, LLC (2817); RT Orlando Franchise, LP (5105); RT Restaurant Services, LLC (7283); RT South Florida Franchise, LP (3535); RT Southwest Franchise, LLC (9715); RT St. Louis Franchise, LLC (6010); RT Tampa Franchise, LP (5290); RT Western Missouri Franchise, LLC (6082); RT West Palm Beach Franchise, LP (0359); RTTA, LP (0035); RTT Texas, Inc. (2461); RTTT, LLC (9194); Ruby Tuesday of Allegany County, Inc. (8011); Ruby Tuesday of Bryant, Inc. (6703); Ruby Tuesday of Columbia, Inc. (4091); Ruby Tuesday of Frederick, Inc. (4249); Ruby Tuesday of Linthicum, Inc. (8716); Ruby Tuesday of Marley Station, Inc. (1641); Ruby Tuesday of Pocomoke City, Inc. (0472); Ruby Tuesday of Russellville, Inc. (1601); and Ruby Tuesday of Salisbury, Inc. (5432). The Debtors' mailing address is 333 East Broadway Ave., Maryville, TN 37804.

1. I am employed as a Director of Client Services by Epiq Corporate Restructuring, LLC, with their principal office located at 777 Third Avenue, New York, New York 10017. I am over the age of eighteen years and am not a party to the above-captioned action.
2. On December 15, 2020, I caused to be served the:
 - a. "Scheduling Order Re: Abatement Litigation," dated December 9, 2020, [Docket No. 689],
 - b. "Complaint for Declaratory Relief," dated December 14, 2020, [Docket No. 725], and
 - c. "Summons and Notice of Pretrial Conference in an Adversary Proceeding," dated December 14, 2020, to which was attached the "Notice of Dispute Resolution Alternatives," dated December 14, 2020, a copy of which is attached hereto as Exhibit A,by causing true and correct copies to be:
 - i. enclosed securely in separate postage pre-paid envelopes and delivered via first class mail to those parties listed on the annexed Exhibit B,
 - ii. enclosed securely in separate postage pre-paid envelopes and delivered via overnight mail to those parties listed on the annexed Exhibit B,
 - iii. delivered via electronic mail to those parties listed on the annexed Exhibit C.
3. All envelopes utilized in the service of the foregoing contained the following legend:
LEGAL DOCUMENTS ENCLOSED. PLEASE DIRECT TO THE ATTENTION OF ADDRESSEE, PRESIDENT OR LEGAL DEPARTMENT."

/s/ Angharad Bowdler
Angharad Bowdler

Sworn to before me this
17th day of December, 2020
/s/ Amy E. Lewis

Notary Public, State of Connecticut
Acct. No. 100624
Commission Expires: 8/31/2022

Exhibit A

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:
RTI HOLDING COMPANY, LLC, *et al.*,

Debtors.

RUBY TUESDAY, INC.,

Plaintiff,

v.

EVERGREEN DEVELOPMENT COMPANY, L.L.C.,

Defendant.

Chapter 11
Case No. 20-12456 (JTD)
(Jointly Administered)

Adv. Proc. No. 20-51045 (JTD)

SUMMONS AND NOTICE OF PRETRIAL CONFERENCE IN AN ADVERSARY PROCEEDING

YOU ARE SUMMONED and required to file a motion or answer to the complaint which is attached to this summons with the clerk of the bankruptcy court no later than January 15, 2021, pursuant to the *Scheduling Order Re: Abatement Litigation* [Main Case Dkt. No. 689].

Address of Clerk:	United States Bankruptcy Court 824 North Market Street, 3rd Floor Wilmington, DE 19801
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At the same time, you must also serve a copy of the motion or answer upon the Plaintiff's attorney. Name and address of Plaintiff's attorneys:

PACHULSKI STANG ZIEHL & JONES LLP Richard M. Pachulski Malhar S. Pagay James E. O'Neill Victoria A. Newmark 919 N. Market Street, 17th Floor, P.O. Box 8705 Wilmington, DE 19899-8705 (Courier 19801)

YOU ARE NOTIFIED that a pretrial conference of the proceeding commenced by the filing of the complaint will be held at the following time and place.

Address: United States Bankruptcy Court 824 N. Market Street, 5th Floor Wilmington, DE 19801	Courtroom No. 5 Date and Time: Jan. 28, 2021 at 11:00 a.m. (ET)
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IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

United States Bankruptcy
Court for the District of Delaware

Date: December 14, 2020

/s/ Una O'Boyle
Clerk of the Bankruptcy Court

CERTIFICATE OF SERVICE

I, James E. O'Neill, certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made. I further certify that the service of this summons and a copy of the complaint were made December 14, 2020 by:

☒ Mail Service: Overnight mail, postage fully pre-paid, addressed to:

SEE ATTACHED SERVICE LIST

☐ Personal Service: By leaving the process with defendant or with an officer or agent of defendant at:

☐ Residence Service: By leaving the process with the following adult at:

☐ Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addressed to the following officer of the defendant at:

SEE ATTACHED SERVICE LIST

☐ Publication: The defendant was served as follows: [Describe briefly]

☐ State Law: The defendant was served pursuant to the laws of the State of _____,
as follows: [Describe briefly] (name of state)

Under penalty of perjury, I declare that the foregoing is true and correct.

Dated: December 14, 2020

/s/ James E. O'Neill

James E. O'Neill (DE Bar 4042)
PACHULSKI STANG ZIEHL & JONES LLP
919 North Market Street, 17th Floor
P O Box 8705
Wilmington, DE 19899-8705 (Courier 19801)

Adv. Service List

VIA FIRST CLASS MAIL & OVERNIGHT MAIL
Evergreen Development Company, L.L.C.
C/O Stephen W. Brewer, Esq., as Registered Agent
Willcox & Savage, P.C.
440 Monticello Avenue, Ste. 2200
Norfolk, Virginia 23510

VIA FIRST CLASS MAIL & OVERNIGHT MAIL
Evergreen Development Company, L.L.C.
c/o Mr. Robert J. Kubicki
29027 Brassie Court
Ivanhoe, IL 60060

Courtesy copy via Electronic Mail:
Stephen W. Brewer, Esq.
Re: Evergreen Development Company, L.L.C.
Willcox & Savage, P .C.
1800 Bank of America Center
Norfolk, Virginia 23510
Email: sbrewer@wilsav.com

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FOR THE DISTRICT OF DELAWARE**

In re:
RTI HOLDING COMPANY, LLC,¹
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RUBY TUESDAY, INC.,

Plaintiff,

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EVERGREEN DEVELOPMENT COMPANY,
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Defendant.

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NOTICE OF DISPUTE RESOLUTION ALTERNATIVES

As party to litigation you have a right to adjudication of your matter by a judge of this Court. Settlement of your case, however, can often produce a resolution more quickly than appearing before a judge. Additionally, settlement can also reduce the expense, inconvenience, and uncertainty of litigation.

There are dispute resolution structures, other than litigation, that can lead to resolving your case. Alternative Dispute Resolution (ADR) is offered through a program established by this Court. The use of these services are often productive and effective in settling disputes. **The purpose of this Notice is to furnish general information about ADR.**

The ADR structures used most often are mediation, early-neutral evaluation, mediation/arbitration and arbitration. In each, the process is presided over by an impartial third party, called the “neutral”.

In mediation and early neutral evaluation, an experienced neutral has no power to impose a settlement on you. It fosters an environment where offers can be discussed and exchanged. In the process, together, you and your attorney will be involved in weighing settlement proposals and crafting a settlement. The Court in its Local Rules requires all ADR processes, except threat of a potential criminal action, to be confidential. You will not be prejudiced in the event a settlement is not achieved because the presiding judge will not be advised of the content of any of your settlement discussions.

Mediation/arbitration is a process where you submit to mediation and, if it is unsuccessful, agree that the mediator will act as an arbitrator. At that point, the process is the same as arbitration. You, through your counsel, will present evidence to a neutral, who issues a decision. If the matter in controversy arises in the main bankruptcy case or arises from a subsidiary issue in an adversary proceeding, the arbitration, though voluntary, may be binding. If a party requests *de novo* review of an arbitration award, the judge will rehear the case.

Your attorney can provide you with additional information about ADR and advise you as to whether and when ADR might be helpful in your case.

Dated: December 14, 2020

/s/ Una O'Boyle
Clerk of the Court

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Exhibit B

EVERGREEN DEVELOPMENT COMPANY, L.L.C.
C/O STEPHEN W. BREWER, ESQ.
WILLCOX & SAVAGE, P.C.
440 MONTICELLO AVENUE, STE. 2200
NORFOLK, VIRGINIA 23510

EVERGREEN DEVELOPMENT COMPANY, L.L.C.
C/O MR. ROBERT J. KUBICKI
29027 BRASSIE COURT
IVANHOE, IL 60060

Exhibit C

Case No. 20-12456 (JTD)
Electronic Mail Service List

NAME	EMAIL
WILLCOX & SAVAGE, P .C.	SBREWER@WILSAV.COM
JONES, BLECHMAN, WOLTZ & KELLY	MMEADOWS@JBWK.COM